IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14179 of 2004

Between:

N. Hussainamma, W/o Obulesu,
R/o Billekal (V), Aspari Mandal, Kurnool District.

..... PETITIONER

AND

1 The District Collector, Kurnool, Kurnool District.
2 The Joint Collector, Kurnool, Kurnool District.
3 The Revenue Divisional Officer, Adoni, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the orders of the 1st Respondent in RC.CS.3/186/2004, dt. 14-7-2004, orders of the 2nd Respondent in RC.CS.3/35/2004, dated 12-4-04 and orders of the 3rd Respondent in RC.M.42/2004 dated 19-1-2004, as illegal, arbitrary, unconstitutional and without jurisdiction,

Counsel for the Petitioner: MR.K.V.RAGHU VEER

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following :

ORDER

The petitioner was appointed as a Fair Price Shop Dealer of Billekal village, Aspari Mandal, Kurnool District. The authorization of the petitioner was suspended, pending enquiry by the Revenue Divisional Officer on 19.01.2004. Petitioner preferred an appeal before the Joint Collector, Kurnool and the same was dismissed. Thereafter, petitioner preferred a revision petition before the Collector under Clause 20(ii) of A.P. Scheduled Commodities (Regulation of Distribution by Card System) Order. The said Revision petition was also dismissed on the ground that the petitioner failed to prefer the revision within the time stipulated under the control order. The said order is under challenge in this writ petition.

Heard both sides and perused the material on record.

Learned counsel for the petitioner contended that the impugned order, dismissing the revision petition without going into merits of the case is arbitrary and illegal. He vehemently contended that having regard to the facts and circumstances, the 1st respondent ought to have entertained the revision petition and decided the matter on merits.

However, learned Government Pleader for Civil Supplies contended that since the petitioner failed to file an application to condone the delay, the first respondent has rightly dismissed the Revision Petition in limini.

I n ***Mahendra Kumar Goel V. Ex.Officio Joint Secretary & Additional Commissioner of Civil Supplies,*** a Division Bench of this Court held that Section 5 of the Limitation Act, 1963 is applicable even to the Appeals under the control orders issued under the Essential Commodities Act, 1955. Hence, I am of the view that it would be appropriate to afford an opportunity to the petitioner to take the necessary steps before the 1st respondent for condonation of the delay in filing the Revision Petition.

Accordingly, the Writ Petition is disposed of permitting the petitioner to move an application under Section 5 of the Limitation Act, 1963 before the 1st respondent explaining the reasons for the delay in filing the revision petition. If such an application is filed within two weeks from today, the 1st respondent shall consider the same and pass appropriate orders in accordance with law. In case, the 1st respondent is satisfied that sufficient cause is made out for the delay, the main

Revision Petition be entertained and decided on merits.

In the result, the impugned order dated 14-07-2004 is set aside and the writ petition is disposed of with the above directions. No order as to costs.

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11-08-2004

Note: Issue C.C. by tomorrow

B/o

klp/bcj

To

1 The District Collector, Kurnool, Kurnool District.
2 The Joint Collector, Kurnool, Kurnool District.
3 The Revenue Divisional Officer, Adoni, Kurnool District.

4. 2CCs to G.P. for Civil Supplies, High Court buildings, HYD.

5. 2CD copies